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AMCONSUL LOURENCO MARQUES

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EO 11652: N/A

TAGS: PINT, PO

SUBJ: PRESS LAW PROMULGATED

REFS: (A) LISBON 4097 (19749; (B) LISBON 1075

SUMMARY: LONG AWAITED PRESS LAW HAS BEEN PROMULGATED. MAJOR CHANGES FROM ORIGINAL DRAFT PROPOSAL INVOLVE STRENGTHENING PUNITIVE PROVISIONS, WHICH BROADENED TO INCLUDE ATTACKS AGAINST AFM. BASED ON EXPERIENCE OF PAST TEN MONTHS, LAW IS LIKELY TO BE ENFORCED ERRATICALLY, WITH OCCASIONAL CRACKDOWNS. END SUMMARY.

1. GOP HAS PROMULGATED PRESS LAW, WHOSE ORIGINAL DRAFT WAS RELEASED FOR PUBLIC DEBATE FIVE MONTHS AGO. MAJOR CHANGES MADE
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IN TEXT OF ORIGINAL PROPOSAL (DESCRIBED REF A) INCLUDE:

(A) EXPANDING AREAS OF RESPONSIBILITY OF EDITORIAL COMMISSIONS (COMPOSED OF PUBLICATION'S JOURNALISTS AND CERTAIN OTHER EMPLOYEES), BOTH IN TERMS OF SETTING POLICY AND SHARING IN CONSEQUENCES FOR ADOPTION OF THOSE POLICIES;
(B) PRESS' RESPONSIBILITY TO RESPECT PROVISIONS OF MILITARY LAW, IMPLICIT IN DRAFT PROPOSAL, HAVE BEEN MADE EXPLICIT;
(C) COURTS MAY ORDER PUBLICATIONS TO PRINT CERTAIN COMMUNICATIONS (IN ADDITION TO OFFICIAL GOP NOTICES.
(D) DEGREE OF GOP AND ARMED FORCES MOVEMENT (AFM) PARTICIPATION IN ESTABLISHING OVERALL PRESS POLICY HAS BEEN EXPANDED;
(E) GOP OBLIGES ITSELF TO ESTABLISH COURSES OF INSTRUCTION IN JOURNALISM, TO BE SET UP WITHIN 90 DAYS OF DATE LAW TAKES EFFECT;
(F) PENALTY SECTIONS, ALREADY NUMEROUS AND DETAILED IN DRAFT PROPOSAL, HAVE BEEN EXPANDED TO INCLUDE PUNISHMENT FOR PUBLICATION OF "FALSE NEWS OR RUMORS WITHOUT FOUNDATION" AND ATTACKS AGAINST THE AFM OR ITS PROGRAM.

2. LAW TAKES EFFECT 15 DAYS AFTER FEB 26.

3. COMMENT: PROMULGATION OF LAW BRINGS TO END INTERIM REGIME, INCLUDING "AD HOC PRESS COMMISSION," WHOSE IRREGULAR AND ARBITRARY PENALTY ORDERS HAVE ATTEMPTED (BUT CONSPICUOUSLY FAILED) TO DISCIPLINE PRESS AND MAKE IT CONFORM TO GOP'S NEVER FULLY DEFINED STANDARDS OF "RESPONSIBILITY." WITH COMMISSION'S DEMISE, SYSTEM OF ADMINISTRATIVELY IMPOSED PENALTIES IS REPLACED BY NORMAL JUDICIAL PROCEDURES--INCLUDING RIGHT OF ACCUSED OFFENDERS TO DEFEND THEMSELVES IN COURT. COMMUNIST PARTY HAD SOUGHT CONTINUATION OF AD HOC COMMISSION, BUT WAS DEFEATED ON ISSUE.

4. PUNISHMENT FOR ATTACKING AFM ON ITS PROGRAM IS NEGATIVE FEATURE IN NEW LAW, ALTHOUGH THIS LIMITATION ON PRESS IS COUNTERBALANCED SOMEWHAT BY PROVISIONS FOR JUDICIAL REVIEW. BASED ON EXPERIENCE OF PAST TEN MONTHS, LAW IS LIKELY TO BE ENFORCED ERRATICALLY, WITH OCCASIONAL CRACKDOWNS.
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